IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1973 OF 2005
IN
INCOME TAX APPEAL NO.77 OF 1999

Commissioner of Income Tax XIV Mumbai .. Appellant
V/s
Narayandas Suganmal .. Respondent

Mr.E.P.Chopra for the Appellant.

CORAM: DR.S.RADHAKRISHNAN &
J.H.BHATIA, JJ.

DATE : 18/07/2005.

P.C.:

1. Heard the learned Counsel for the Appellant. By this Notice of Motion, the Appellant is seeking to recall the order dated 4th July, 2005 whereby the Income Tax Appeal was dismissed in default. Perused the affidavit of an Advocate Shri.Devi Sharan Chopra dated 12.7.2005 in support of the Notice of Motion. For the reasons stated therein sufficient cause is made out for recalling the order of dismissal of an Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Appellant. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

(DR.S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)